

REMARKS

The amendments, in part, along with the arguments provide below, provide a basis for distinguishing the combination of prior art references of LaRocca and Reeder from the pending claims.

1) Separate Structures Recited. Claim 1 is amended to recite to a “provisioning system comprising a first server executing a service application program” and a “billing system comprising a computing system.” Further, certain information is conveyed between these separate structures. Reeder and LaRocca do not recite such structures with the associated limitations as recited nor communicating the certain information between such structures. Similar amendments are made to claim 12.

Further, Applicant notes that new claims 19 and 20 (see discussion below) add further separate structures which are not disclosed by Reeder and LaRocca.

Support for the service application program being a server can be found in the specification, paragraph 44, and support for the billing system being a computer is found in paragraph 30.

2) Computing Price Prior to Fulfilling Request. Claim 1 is amended to recite that the price of the service is computed for the service prior to fulfilling the service request, (as opposed to Reeder disclosing computing the price and tax after an event has occurred). A similar amendment is made to claim 12.

Support for this price being computed prior to offering the service can be found in paragraph 50.

In distinction, La Rocca discloses the price is determined by a video session manager requesting price information from a network manager (par. 49):

price. The price of the programming selected from the title menu is determined by the video session manager sending a price request to the network manager. The network manager performs a search of its pricing database and returns a price of either zero or non-zero. A non-zero price is returned, for example, if the subscription is limited to a restricted time window or the subscription is a dependent subscription that is not available to customers that do not meet a particular service level or type criteria. For example, the OnSet Kids

The Network manager is disclosed as storing subscriber related data (Par. 24).

equipment **152**. As such, the network manager maintains a database **154** containing specific customer subscription information pertaining to a customer's type of service (e.g., basic cable, extended basic cable, and the like), level of service and premium channel subscription information. This database is used to facilitate dependent subscriptions and contingent services.

Thus, it appears that LaRocca discloses the network manager storing a price for each subscriber, as opposed to computing a price using an algorithm. Further, it is unclear as to which element in La Rocca (video session manager or network controller) corresponds to the claimed "provisioning system" because neither the video session manager or the network controller in LaRocca individually meet these limitations.

3) Computing the Price. Claim 1 is amended to recite that the computation of the list price is in response to a purchase request from a user (as opposed to the prior art LaRocca FIG. 3B disclosing simultaneously providing price and a prompt for the purchase option to the viewer). A similar amendment is made to claim 12. Support for this can be found in paragraph 48 of the specification.

New Claims

New claims 19 and 20 have been added which amend claim 1 (system claim) and claim 12 (method claim) respectively. These new claims recite a "marketing server" (see par. 49)

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which provides discount data used to compute the price of the offering. Applicant submits that LaRocca does not disclose a “marketing server” which provides discount data, and to the extent that Reeder disclosing discounting the service offering, it is not in a separate “marketing server.”

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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